

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:14-CV-00034-F

UNITED STATES OF AMERICA,                     )  
   )  
                  Plaintiff,                         )  
   )  
                  v.                                     )  
   )  
LAND ROVER VEHICLES, et al.,                 )  
   )  
                  Defendants.                        )

ORDER

This matter is before the court to address several matters with regard to Plaintiff's Emergency Motion for Protective Order, filed on April 23, 2015 [DE-111]. All responsive briefing is complete and the matter is ripe for disposition.

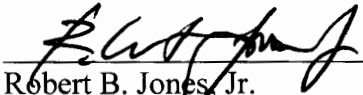
Plaintiff seeks an order from the court excusing the attendance of three United States' employees from depositions scheduled for April 28 & 29, 2015, and May 6, 2015. *Id.* at 1. Plaintiff argues that the motion for protective order should be granted based on two grounds: (1) Plaintiff has filed a motion to stay discovery that is currently pending before the court and (2) Claimants have failed to comply with the applicable *Touhy* regulations in noticing these depositions of government employees. *Id.* In response, Claimants argue that Plaintiff's motion for protective order should be denied for three reasons: (1) *Touhy* regulations do not apply in this case because the United States is a party to the litigation, (2) a delay in discovery is prejudicial to Claimants and their defenses as they bear the burden of proof in this case and many relevant facts remain in dispute, and (3) Plaintiff has acted in bad faith to delay depositions and violated Local Civil Rule 7.1(c) by failing to make a good faith effort to resolve the discovery dispute prior to filing the instant discovery motion.

Clmt.'s Resp. [DE-115] at 4-9. Claimant Adam S. Forman filed a separate memorandum in opposition to Plaintiff's motion for protective order [DE-120], where he states that he does not object to entry of a stay of discovery in this matter, which would obviate the need for a protective order. [DE-120] at 1.

Plaintiff filed a Reply to Claimants' Response [DE-118], and Claimants subsequently filed a Motion to Strike Plaintiff's Reply [DE-121]. Pursuant to Local Civil Rules 7.1(f)(2) and 26.1(d)(3), replies are not permitted in discovery disputes. Plaintiff did not move to leave of court to file an other wise impermissible reply, and the court will not consider this filing. Accordingly, Claimants' Motion to Strike [DE-121] is denied as moot.

The court determines that based on the pending motion to stay discovery [DE-107], Plaintiff's Emergency Motion for Protective Order [DE-111] should be granted, and Plaintiff may renew its motion as necessary at a later time.

SO ORDERED, the 27 day of April 2015.

  
Robert B. Jones, Jr.  
United States Magistrate Judge